

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DARIUS NICHOLSON,

Petitioner,

v.

TROY STEELE,

Respondent.

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No. 4:08-CV-728 FRB

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's motion to proceed in forma pauperis. Upon review of the financial affidavit, the Court has determined that petitioner is unable to pay the filing fee. See 28 U.S.C. § 1915. Consequently, the motion will be granted.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis [#2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue on the petition.

IT IS FURTHER ORDERED that the Clerk shall docket this petition as Darius Nicholson v. Troy Steele.¹

Dated this 2nd Day of June, 2008.



UNITED STATES MAGISTRATE JUDGE

¹Petitioner has named as respondent the State of Missouri. The proper respondent for a prisoner currently in custody pursuant to a state judgment is the state officer having custody of the applicant. See 28 U.S.C. § 2254, Rule 2(a). Troy Steele, superintendent of the Southeast Correctional Center, is the proper respondent.